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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,458	02/01/2002	Linh A. Dinh	S63.2-10389	9614
490	7590	08/30/2005	EXAMINER	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			STEWART, ALVIN J	
			ART UNIT	PAPER NUMBER
			3738	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	Application No. 10/061,458	Applicant(s) DINH ET AL.	
	Examiner Alvin J. Stewart	Art Unit 3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-20, 22 and 25-37 is/are rejected.
- 7) ☒ Claim(s) 21, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 22, 2005 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 34-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The second bend end having a single peak is not disclosed previously in the specification, therefore, is new matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16-19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Penn et al US Patent 6,758,860 B1

Penn et al discloses a stent having serpentine circumferential bands connected one to the other, the bands include first serpentine circumferential bands (350) and second serpentine circumferential bands (360). The first and second bands are connected by a plurality of longitudinal connectors (370).

Regarding claims 18 & 19, see Fig. 4.

Claims 16, 17, 20, 22 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen et al US Pub. 2001/0016770.

Allen et al discloses a stent having serpentine circumferential bands connected one to the other, the bands include first serpentine circumferential bands (58) and second serpentine circumferential bands (3). The first and second bands are connected by a plurality of longitudinal connectors (50).

Regarding claims 16, 17, 20, and 22, see attachment A.

Regarding claims 25-27, see attachment B.

Claims 25, 26 and 28-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Berry et al US Patent 6,231,598 B1.

Berry et al discloses a stent having serpentine circumferential bands connected one to the other, the bands include first serpentine circumferential bands (14) and second serpentine

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circumferential bands (21). The first and second bands are connected by a plurality of longitudinal connectors (36). See attachment C.

Regarding claim 18, see Figure 5 showing the different thickness.

Regarding claim 23, the first length is structure element 15 (see Fig. 1); the second length is structure element 36.

Regarding claim 25, the first band is structure 21 and the second band is structure 14.

Regarding claim 31 and 32, see Figure 3.

#### ***Allowable Subject Matter***

Claims 1-15 are allowed.

Claims 21, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Stewart whose telephone number is 703-305-0277. The examiner can normally be reached on Monday-Friday 7:00AM-5:30PM(1 Friday B-week off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 703-308-2111. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ALVIN J. STEWART**  
**PRIMARY EXAMINER.**  
Art Unit 3738

August 24, 2005.



US 20010016770A1

(19) United States

(12) Patent Application Publication

(10) Pub. No.: US 2001/0016770 A1

Allen et al.

(43) Pub. Date:

Aug. 23, 2001

(54) STENT WITH REINFORCED STRUTS AND BIMODAL DEPLOYMENT

## Publication Classification

(51) Int. Cl.<sup>7</sup> ..... A61F 2/06

(52) U.S. Cl. .... 623/1.15

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## ABSTRACT

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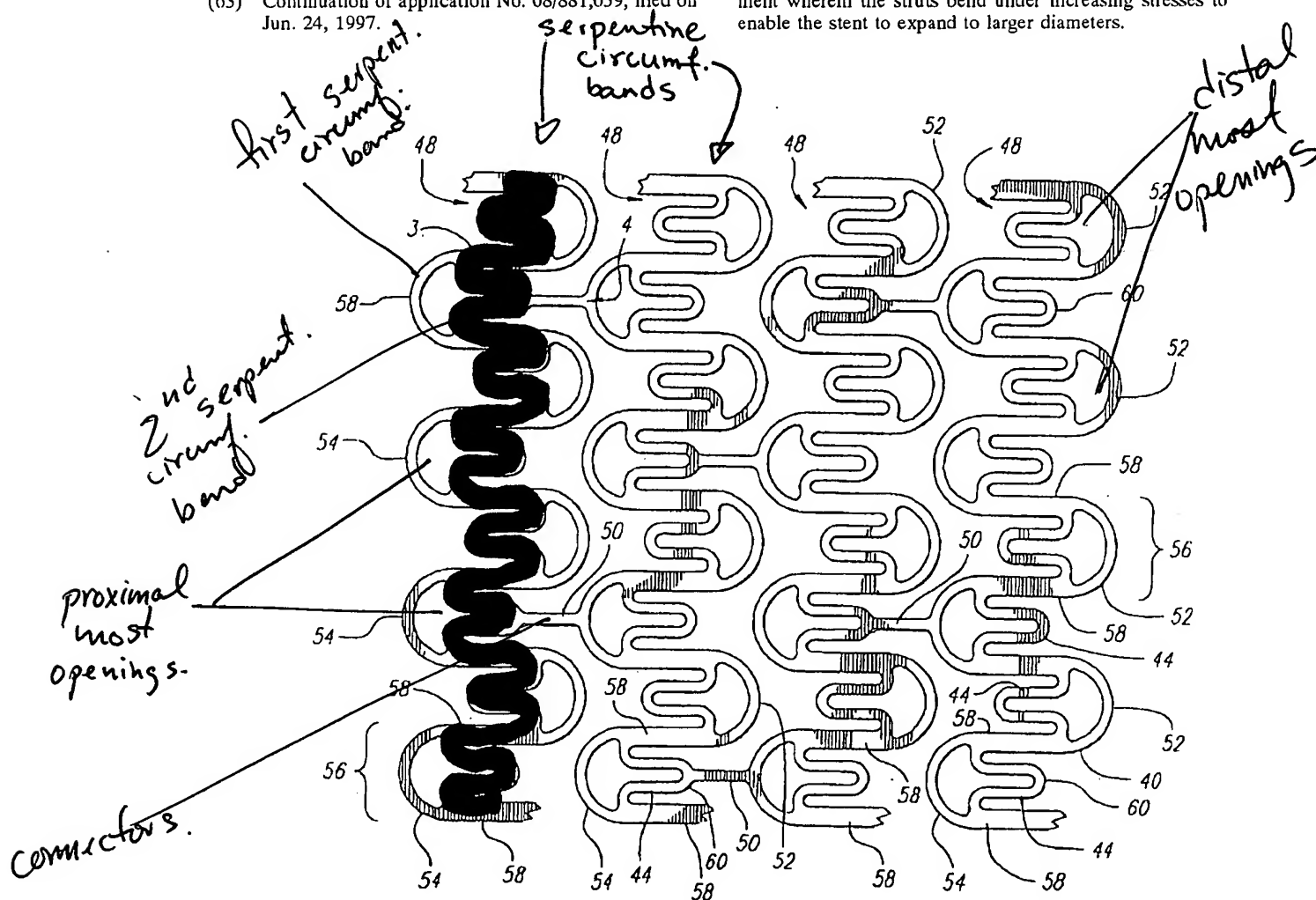
The invention is directed to an expandable stent for implantation in a body lumen, such as a coronary artery or peripheral vein. The stent consists of a plurality of radially expandable cylindrical elements generally aligned on a common longitudinal stent axis and interconnected by one or more interconnecting members placed so as to limit longitudinal contraction during radial expansion. The individual radially expandable cylindrical elements are formed in a serpentine pattern having bends alternating in peaks and valleys designed to expand evenly under radial stress, and to maximize the overall radial expansion ratio. Each peak and valley includes reinforcing members that extend across and proximate to each bend. Sizing and construction of the struts forming the peaks and valleys can create bimodal deployment wherein the struts bend under increasing stresses to enable the stent to expand to larger diameters.

(21) Appl. No.: 09/848,819

(22) Filed: May 3, 2001

## Related U.S. Application Data

(63) Continuation of application No. 08/881,059, filed on Jun. 24, 1997.



## US 2001/0016770 A1





# Attachment C.

U.S. Patent

May 15, 2001

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US 6,231,598 B1

